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fine and the principal case undoubtedly comes nearer to following the spirit and reasoning of the rule, when it holds such agreements are in effect assignments of the emoluments of the office and therefore void as against public policy.

CORPORATIONS—SERVICE OF PROCESS IN ANOTHER STATE AS "DUE PROCESS OF LAW."—A suit was brought against a domestic corporation on an agreement to convey lands. There were no officers of the corporation within the state at that time, and the summons and complaint were served on the treasurer of the corporation, residing in another state, by the sheriff of the county in which the treasurer resided. Judgment was taken by default, and defendant appeals on the ground that such service is not "due process of law." The statute does not say that service of summons on a domestic corporation shall be made within the state, but does so provide in regard to foreign corporations. *Held*, that a domestic corporation is at all times within the territorial jurisdiction of the state courts, that the purpose of the statute is not to bring the non-resident officer within the jurisdiction, but to bring the domestic corporation within the jurisdiction; and as such service would give sufficient notice of the pendency of the action or proceeding, which is the fundamental requirement of "due process of law," it was sufficient. *Straub v. Lyman Land & Investment Co.* (S. D. 1912) 138 N. W. 957.

An examination of the authorities has failed to disclose a case directly in point. A domestic corporation is necessarily resident within the state, and cannot remove itself therefrom, either permanently or temporarily. 1 THOMPSON, CORP., Ed. 2, § 490; 1 COOK, CORP., Ed. 6, § 1; *Bank of Augusta v. Earle*, 13 Pet. 519, 10, L. ed. 274. The domicile of a corporation is entirely distinct from the personal domicile of its officers or stockholders. *Perry v. Round Lake Assoc.*, 22 Hun 293. Since a corporation is a mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as an incident to its very existence. 1 THOMPSON, CORP., Ed. 2, § 3. A legislature has power to prescribe the method of service on corporations, subject only to the rule that the method provided must be one that with reasonable certainty will result in a corporation actually receiving the notice. 3 THOMPSON CORP., Ed. 2, § 3050; *State v. Myers*, 126 Mo. App. 544, 104 S. W. 1146; *Town of Hinckley v. Kettle River R. Co.*, 70 Minn. 105, 72 N. W. 835. The service of process here may be said to follow the forms of law, and was appropriate to the case and just to the parties to be affected. It was therefore "due process of law." *Hagar v. Reclamation Dist.* 111 U. S. 70; *Hurtado v. California*, 110 U. S. 516.

DEEDS—RESERVATIONS AND EXCEPTIONS.—A tract of 40 acres and a smaller tract, upon which there was a mill, were owned by one person. The mill was run by water power. Feb. 4, 1870, the mill property was mortgaged, by a foreclosure of which and by subsequent mesne conveyances the premises came to defendant. In a foreclosure of a mortgage upon the 40 acre tract there was a conveyance of the same on July 16, 1870, "excepting and reserving the right to any and all persons who may at any time hereafter own the